

Attorney Docket No. P11904

**REMARKS/ARGUMENTS****1.) Status of Claims**

Claims 2-4, 6, 8, 9, 12-13, and 15-35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

**2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 2-4, 6, 8, 9, 12, 13 and 15-35 under 35 U.S.C. § 102(e) as being anticipated by Minko (US 5,963,551). The Applicants respectfully disagree. The Examiner's reconsideration of the pending claims is respectfully requested.

The Examiner contends that every element of each of the pending claims is disclosed by Minko. However, Minko fails to disclose several features recited in independent claims 9, 15, 17, 20, 22, 28, and 33. Minko discloses a method of retransmitting and selecting a compression algorithm for voice packets. Compression (i.e., reducing the number of information bits) is different from channel coding, which does not reduce the number of bits, and is the subject of the claimed invention. Compression modes are also different from the two operating modes utilized in the claimed invention, Incremental Redundancy (IR) mode and non-IR mode. Consequently, Minko does not disclose, for example, a memory for storing unsuccessfully decoded sub-blocks of data. The Examiner continues to equate the subblock memory with the receiver buffer, but claim 15, for example, makes it clear that these are two different elements, which perform different functions. Likewise, Minko does not disclose the process of combining the stored unsuccessfully decoded subblocks with retransmitted subblocks. Additionally, Minko fails to disclose or suggest selecting an operating mode for retransmission based on the memory resources in the receiver. Instead, Minko teaches that the mode of compression is selected based on connection speed.

Independent claim 9 recites a method of transferring information that includes the steps of sending a segmentation indicator from the receiving entity to the transmitting

Amendment - PAGE 14 of 19  
EUS/JIP/04-8792

Attorney Docket No. P11904

entity indicating whether the identified data blocks that the receiving entity could not decode should be resegmented by the transmitting entity prior to retransmission to the receiving entity; selecting by the transmitting entity, a retransmission MCS to be utilized for retransmitting the data blocks that the receiving entity could not decode; and if the selected retransmission MCS is different from the initial MCS, re-encoding by the transmitting entity utilizing the selected retransmission MCS, the data blocks that the receiving entity could not decode. Minko does not disclose resegmenting data blocks or selecting a different MCS for the retransmission. Instead, Minko selects a compression algorithm (i.e., selects the extent to which the number of information bits will be reduced) for the retransmission. The selection of the compression algorithm is based on the current connection speed. Thus, Minko does not disclose the steps of claim 9. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 9 are respectfully requested.

Independent claim 15 recites a receiver that includes a subblock memory for storing the subblocks of data that cannot be decoded, while decoded data blocks are passed to the receive buffer. Additionally, claim 15 recites means for determining whether the subblock memory has sufficient memory space available for the receiver to utilize the IR operating mode to obtain additional redundant subblocks of data for additional attempts to decode the initial subblocks of data that could not be decoded; and means for transmitting a message to a transmitter indicating a preferred operating mode based on the memory space of the subblock memory. None of these elements are disclosed by Minko. The Applicant notes that Minko's receiver buffer is not equivalent to the claimed subblock memory. Claim 15 makes it clear that these are two different elements, which perform different functions. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 15 are respectfully requested.

Independent claim 17 recites a method of transferring information that includes the steps of storing the encoded initial subblocks of data that cannot be decoded in a subblock memory at the receiving entity; determining whether the subblock memory of the receiving entity will support reception of additional redundant subblocks of data utilizing the IR mode; and sending a mode preference indicator from the receiving entity to the transmitting entity, said mode preference indicator indicating whether or not

Amendment - PAGE 15 of 19  
EUS/J/P/04-8792

Attorney Docket No. P11904

operation in the incremental redundancy mode is preferred, said incremental redundancy mode being preferred if the subblock memory of the receiving entity will support reception of additional redundant subblocks of data utilizing the incremental redundancy mode. None of these elements are disclosed by Minko. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 17 are respectfully requested.

Independent claim 20 recites a method in a receiver that includes the steps of storing in a subblock memory, received initial subblocks of data that could not be decoded; determining whether the subblock memory has sufficient memory space available for the receiver to utilize an incremental redundancy operating mode to obtain additional redundant subblocks of data; sending a message to the transmitter indicating that the incremental redundancy operating mode is preferred, upon determining that the subblock memory has sufficient memory space available to utilize the incremental redundancy operating mode; and sending a message to the transmitter indicating that a non-incremental redundancy operating mode is preferred, upon determining that the subblock memory does not have sufficient memory space available to utilize the incremental redundancy operating mode. None of these elements are disclosed by Minko. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 20 are respectfully requested.

Independent claim 22 recites a method in a transceiver that includes the steps of receiving a message from an external receiver identifying subblocks of data that the receiver could not decode; receiving a message from the external receiver indicating a preferred operating mode for retransmitting the identified subblocks to the receiver as additional redundant subblocks of data; encoding the additional redundant subblocks of data utilizing an MCS appropriate for the preferred operating mode indicated in the message from the receiver; and transmitting the encoded additional redundant subblocks of data to the external receiver utilizing the preferred operating mode and utilizing the MCS appropriate for the preferred operating mode. None of these elements are disclosed by Minko because Minko discloses only changing a compression mode. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 22 are respectfully requested.

Amendment - PAGE 16 of 19  
EUS/J/P/04-8792

Attorney Docket No. P11904

Independent claim 28 recites a transceiver that includes means for receiving a message from an external receiver identifying subblocks of data that the receiver could not decode; means for receiving a message from the external receiver indicating a preferred operating mode for retransmitting the identified subblocks to the receiver as additional redundant subblocks of data; and means for encoding the additional redundant subblocks of data utilizing an MCS appropriate for the preferred operating mode indicated in the message from the receiver, and providing the encoded additional redundant subblocks of data to the transmitting means for transmission to the external receiver utilizing the preferred operating mode and utilizing the MCS appropriate for the preferred operating mode. None of these elements are disclosed by Minko because Minko discloses only changing a compression mode. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 28 are respectfully requested.

Independent claim 33 recites a method of transferring information that includes the steps of sending indications from a receiving entity to a transmitting entity identifying initial subblocks of data that could not be decoded; sending a segmentation indicator from the receiving entity to the transmitting entity indicating whether the identified subblocks of data that the receiving entity could not decode should be resegmented by the transmitting entity prior to retransmission to the receiving entity; selecting by the receiving entity, a retransmission MCS to be utilized by the transmitting entity for retransmitting the subblocks of data that the receiving entity could not decode; and sending the selected retransmission MCS from the receiving entity to the transmitting entity. If the selected retransmission MCS is different from the initial MCS, the transmitting entity re-encodes the subblocks of data utilizing the selected retransmission MCS, and retransmits the re-encoded subblocks of data to the receiving entity, wherein the retransmitted data blocks are resegmented or not resegmented in accordance with the segmentation indicator. None of these elements are disclosed by Minko. Therefore, the withdrawal of the § 102 rejection and the allowance of claim 33 are respectfully requested.

Claims 2-4, 6, 8, 18, 19, and 34 depend from independent claim 17; claims 12 and 35 depend from independent claim 33; claims 13, 26, 27, and 30-32 depend from independent claim 9; claim 16 depends from independent claim 15; claim 21 depends

Amendment - PAGE 17 of 19  
EUS/JIP/04-8792

Attorney Docket No. P11904

from independent claim 20; claims 23-25 depend from independent claim 22; and claim 29 depends from independent claim 28. All of the dependent claims recite further limitations in combination with the novel and unobvious elements of their base claims. Therefore, the allowance of claims 2-4, 6, 8, 12, 13, 16, 18, 19, 21, 23-27, 29-32, and 34-35 is respectfully requested.

### 3.) Prior Art Not Relied Upon

In the Conclusion paragraph of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. The Examiner cited Martinez, et al. (US 6,009,553). However, Martinez discloses standard link adaptation, selecting the channel coding based on signal quality. Like Minko, Martinez does not disclose or suggest a memory for storing unsuccessfully decoded subblocks. Likewise, Martinez does not disclose the process of combining the stored unsuccessfully decoded subblocks with retransmitted subblocks. Additionally, Martinez fails to disclose or suggest selecting an operating mode for retransmission based on the memory resources in the receiver. Instead, Martinez teaches that the selection is based on signal quality.

Attorney Docket No. P11904

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-4, 6, 8, 9, 12-13, and 15-35.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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